



STATE OF NEW YORK

UNEMPLOYMENT INSURANCE APPEAL BOARD

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DECISION OF THE BOARD

Mailed and Filed: JULY 06, 2022

IN THE MATTER OF:

Appeal Board No. 621971

PRESENT: RANDALL T. DOUGLAS, MEMBER

In Appeal Board Nos. 621970 and 621971, the Commissioner of Labor appeals from the decisions of the Administrative Law Judge filed March 2, 2022, which overruled the initial determinations holding the claimant ineligible to receive benefits, effective March 1, 2021 through August 12, 2021, on the basis that the claimant failed to certify for the benefit period within the seven-day period for such certification; and holding the claimant ineligible to receive benefits, effective February 22, 2021 through February 28, 2021, on the basis that the claimant did not comply with registration requirements.

At the combined telephone conference hearings before the Administrative Law Judge, all parties were accorded a full opportunity to be heard and testimony was taken. There was an appearance by the claimant.

The Board considered the arguments contained in the written statement submitted on behalf of the Commissioner of Labor.

Based on the record and testimony in this case, the Board makes the following

FINDINGS OF FACT: The claimant filed a claim for benefits online on June 1, 2020. The claimant had access

to the Claimant Handbook online. The handbook contained a telephone number to be used if a claimant certified for benefits by telephone. After filing his claim, he certified for benefits each week online until sometime in February 2021.

On or about February 25, 2021, the claimant voluntarily stopped using the internet to certify for benefits for six months because he wanted to perform a religious good deed by giving up something so his sick child could get well.

The claimant subsequently attempted to certify by telephone on or about February 25, 2021. He tried calling the Telephone Claims Center through the end of February and then tried calling every two weeks. but the claimant was unable to get through to speak to someone to assist him with certifying for benefits by telephone.

In mid-July, 2021, the claimant's friend gave him another telephone number to call and told the claimant that it was the number to use to certify over the telephone. The claimant called the number his friend had given him and was able to speak to a representative. The representative told the claimant that he needed to obtain an ID.ME to verify his Identification to certify for benefits. The claimant provided three forms of identification to acquire his ID.ME passcode. In early August 2021, the claimant resumed certifying for benefits using the internet.

OPINION: The credible evidence establishes that the claimant failed to certify and register for benefits from February 22, 2021 through August 15, 2021. We have previously held that good cause exists when the record establishes that the failure to comply was through no fault of the claimant (Appeal Board No. 556203). While the claimant testified that he made numerous attempts to contact the Department of Labor by telephone for assistance with filing his claim for benefits but was unable to speak to someone, he also testified that he voluntarily stopped using the internet to certify for benefits for a six-month period. It is also significant to note that the claimant regularly certified for benefits using the internet before opting to take a six-month hiatus to perform a religious good deed for his sick child. Moreover, there is no contention that the claimant received misinformation from the Department of Labor when he certified for weekly benefits. In addition, the Claimant Handbook, which the claimant could have accessed prior to the six-month break from using the internet, contained the correct number to call when certifying by telephone. Under these circumstances, we conclude that the claimant's failure to register and certify his claim for benefits during the period in questions should be not excused. We, therefore, conclude that the claimant is not eligible to receive benefits for the period beginning February 22, 2021 and ending August 15, 2021.

DECISION: The decisions of the Administrative Law Judge are reversed.

In Appeal Board Nos. 621970 and 621971, the initial determinations, holding the claimant ineligible to receive benefits, effective March 1, 2021 through August 12, 2021, on the basis that the claimant failed to certify for the benefit period within the seven-day period for such certification; and holding the claimant ineligible to receive benefits, effective February 22, 2021 through February 28, 2021, on the basis that the claimant did not comply with registration requirements, are sustained.

The claimant is denied benefits with respect to the issues decided herein.

RANDALL T. DOUGLAS, MEMBER